

Voluntary Report - public distribution

**Date:** 12/13/2004

**GAIN Report Number:** E34103

## **EU-25**

### **Food and Agricultural Import Regulations and Standards**

### **Food Contact Materials - Active and Intelligent Packaging**

**2004**

**Approved by:**

Stan Cohen

U.S. Mission to the EU

**Prepared by:**

Hilde Brans

---

**Report Highlights:**

European Parliament and Council Regulation 1935/2004 allows the introduction of "active" and "intelligent" packaging and establishes the main requirements for their use. It also sets out labeling and traceability requirements.

---

Includes PSD Changes: No  
Includes Trade Matrix: No  
Unscheduled Report  
Brussels USEU [BE2]  
[E3]

## Food Contact Materials – Active and Intelligent Packaging

On October 27, 2004, the EU adopted European Parliament and Council Regulation 1935/2004 (published in Official Journal L 338 of November 13, 2004) on materials and articles intended to come into contact with food. The new regulation repeals and replaces Directives 80/590/EEC and 89/109/EEC. It entered into force on November 16, 2004 except for the provisions on traceability which will apply from October 27, 2006.

The new regulation takes a more modern approach to the principle that food contact materials should not interact with the food they contain. It allows the introduction of “active” and “intelligent” packaging and establishes the main requirements for their use. Additional requirements will be proposed in specific measures and will include positive lists of authorized substances and/or materials. Annex I to the new regulation lists the groups of materials for which specific measures may be adopted.

“Active” packaging is defined as materials designed to release active components into the food or to absorb substances from the food with the purpose of extending the shelf-life or maintaining or improving the condition of packaged food. “Intelligent” packaging means food contact materials which monitor the condition of packaged food and display information about the freshness of the food. These new types of packaging should not change the composition or organoleptic properties of food or give information that could mislead consumers. Active packaging should not contain substances intended to mask the spoilage of food.

Adequate labeling must provide information on the safe and correct use of active packaging. The new regulation also establishes traceability requirements to identify the origin and destination of food contact materials. A safeguard clause allows member states to take emergency measures. The regulation also sets out the procedure for the authorization of substances through the European Food Safety Authority.

Regulation 1935/2004 can be downloaded from the Internet at [http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/L\\_338/L\\_33820041113en00040017.pdf](http://europa.eu.int/eur-lex/lex/LexUriServ/site/en/oj/2004/L_338/L_33820041113en00040017.pdf).

**Visit our website:** our website [www.useu.be/agri/usda.html](http://www.useu.be/agri/usda.html) provides a broad range of useful information on EU import rules and food laws and allows easy access to USEU reports, trade information and other practical information. E-mail: [AgUSEUBrussels@usda.gov](mailto:AgUSEUBrussels@usda.gov)

### Related reports from USEU Brussels:

| Report Number   | Title                                | Date Released |
|---|--------------------------------------|---------------|
| E23222  | Food Contact Materials – EU Proposal | 11/21/2003    |
| These reports can be accessed through our website <a href="http://www.useu.be/agri">www.useu.be/agri</a> or through the FAS website <a href="http://www.fas.usda.gov/scriptsw/attacherep/default.asp">http://www.fas.usda.gov/scriptsw/attacherep/default.asp</a> . |                                      |               |